

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMES DENTON,

Petitioner,

v.

Case No. 09-cv-13581
Honorable Avern Cohn

C. ZYCH,

Respondent.

/

**ORDER DENYING PETITIONER'S
MOTION FOR DISCOVERY AND APPOINTMENT OF COUNSEL WITHOUT
PREJUDICE**

This is a habeas case under 28 U.S.C. § 2254. Petitioner filed his application with this Court on September 10, 2009. Before the Court now is Petitioner's motion for discovery and appointment of counsel. For the reasons that follow, the motion is DENIED WITHOUT PREJUDICE.

First, as a general rule, “[a] habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course.” Bracy v. Gramley, 520 U.S. 899, 904 (1997). At this time, Petitioner has not made the requisite showing of “good cause” that the requested items are necessary to the disposition of his case. Petitioner has already filed a habeas petition and supporting materials. The Court has ordered Respondent to submit the relevant state-court materials pursuant to Rule 5 of the Rules Governing Section 2254 Cases, due October 19, 2009.

Second, Petitioner has also requested the appointment of counsel to assist him with his habeas petition. There exists no constitutional right to the appointment of counsel in civil cases, and the Court has broad discretion in determining whether

counsel should be appointed. Childs v. Pellegrin, 822 F.2d 1382, 1384 (6th Cir.1987). A habeas petitioner may obtain representation at any stage of the case “[w]henever the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a) (2)(B). Here, the interests of justice do not require appointment of counsel at this time.

Petitioner's motion will be reconsidered if, following receipt of Respondent's answer to the petition and the filing of the necessary Rule 5 materials, the Court determines that additional discovery is needed and/or that the appointment of counsel is necessary. Petitioner need not file any further motions.

SO ORDERED.

s/ Avern Cohn

AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 30, 2009

I hereby certify that a copy of the foregoing document was mailed to James Denton, James Denton, 9567085, Milan, Federal Correctional Institution, Inmate Mail/Parcels, P.O. BOX 1000, Milan, MI 48160 the attorneys of record on this date, September 30, 2009, by electronic and/or ordinary mail.

s/ Julie Owens

Case Manager, (313) 234-5160